

Article by the High Representative, Wolfgang Petritsch "Enough of Lies"

My visit to Banja Luka was a warning shot. Though sanctions would be a last resort, the members of the Steering Board of the Peace Implementation Council – the United States, France, Germany, Great Britain, Russia, Italy, Japan, Canada, Turkey, the European Union, the European Commission – are increasingly inclined to take a more robust approach towards the RS. The ball is now in the court of the RS leaders and particularly the SDS.

My visit to Banja Luka, which caused so much media attention, is over. Now I expect to see concrete results of the discussions I had with the RS leadership. As always, nobody objected to what I demanded – but what will count is not words or, for that matter, signed declarations, but deeds.

The reason I mention declarations is because last December, Messrs. Sarovic, Kalinic and Cavic signed a statement in front of my eyes, in which they committed themselves and the SDS to the full implementation of the Dayton Peace Agreement. This included, among other things, very specifically the consolidation of the BiH State Institutions, economic reform, the fight against corruption, support for return, reconstruction of destroyed religious and cultural buildings, implementation of Human Rights Chamber decisions, and co-operation with the Tribunal in The Hague. However, not much has happened in these areas.

The Dayton Peace Agreements has given the two Entities a high degree of autonomy. At the same time, it has created State institutions and charged them with a number of tasks. Ever since, RS leaders have chosen to obstruct, refusing to understand that a weak state means a weak RS too. The SDS has continued this bad tradition over the last year.

Thirty-seven laws passed by the Council of Ministers are currently pending before the BiH Parliament. Most are blocked because the Serb delegates led by the SDS oppose them. These laws are not sensationalist – they will regulate administrative issues, demining activities, the protection of consumers, the collection of statistical data, the work of the Red Cross Society of BiH, and the fight against terrorism, they will create a Foreign Trade Chamber, amend the Law on Refugees and Displaced Persons, and define the rights of minorities, etc. etc. They are important because, bit by bit, they will provide Bosnia and Herzegovina with a framework for a functioning society. Four of these laws are demands of the “EU Road Map”, the fulfilment of which is an important step in establishing closer ties between BiH and the European Union. As things go, the RS might see Yugoslavia sign a Stabilisation and Association Agreement with the EU before BiH does.

Isolation

I am aware that terms such as “Stabilisation and Association Agreement”, and “European integration”, and laws such as the Law on Industrial Ownership or the Law on Concessions, which are both on the EU Road Map, may not mean much to the average citizens. But what they understand and feel in their own skin is that the average salary in the RS is just 300 KM, that the average pension is only 100 KM, that there are very few jobs. The RS is lagging behind because of the defiant policy of the RS leadership.

The rejection of these laws isolates the RS and paralyses the entire state, preventing it, together with its two Entities, from moving fast on the track of economic recovery and integration in Europe. In this context, it is cynical that the RS National Assembly, in its Conclusions from 30 October, even complained about the work of the RS representatives at the State level, who allegedly had not sufficiently protected "the vital interests of Republika Srpska."

If the RS and in particular the SDS as the strongest party want to improve the living conditions of citizens, they must develop a co-operative attitude at the state level, pushing through the laws that are within the competency of the State and which are needed to establish a functioning democracy and a market economy. Take, for example, the Law on Copyrights and Related Rights, which is also one of the EU Road Map requirements. At the moment, intellectual products are not protected. Everybody can reprint books and articles, play movies and songs, even steal them and pretend they are their own, or use brand names to sell fake products. Copyrights are a matter that must be regulated at the State level, as is the case in every state in the world. What harm would it do to the RS if this Law were adopted? None. On the other hand, if it were passed, record label companies, publishers, movie production companies would feel safe to set up shop in BiH – including the RS, of course.

Laws and Human Rights

Another important change in attitude that I want to see is a different approach to the rule of law and human rights. People abroad have seen the TV pictures of the violently prevented attempt in May to lay the cornerstone for the reconstruction of the Ferhadija mosque. They are also aware that the RS has so far not arrested and transferred a single war crimes suspect indicted by the Tribunal in The Hague. Whenever I

travel, businesspeople ask me about the situation in the RS. Is it really such a lawless, corrupt and violent place? Do indicted war criminals walk around freely? Where is Karadzic?

I am bound to emphasise progress because I want to get businesspeople interested. I want to see the RS and BiH become a normal place, which is accepted by the rest of the world as a partner. But the situation is not good, and those who pay attention, know this.

How can anyone have understanding for the refusal of the RS leadership to implement decisions of the Human Rights Chamber? The RS has still not complied with the Chamber's order from last January to investigate the fate of BiH Army Colonel Avdo Palic who disappeared in 1995 when he negotiated the surrender of Zepa. Four out of five urban permits requested by the Chamber for the reconstruction of mosques in Bijeljina have been due since March. People still experience difficulties in regaining their private property. Any foreign businessman who realises this, will be inclined to stay away from the RS, fearing for his investment. This is another reason why living conditions in the RS are so bad – foreign businesspeople are doubtful about whether there is rule of law in the RS, which would also protect them if necessary.

Misused Will

In my discussions with RS officials, I often hear the argument that this or that cannot be done because "the people" are against it. Firstly, I do not believe this. "The people's will" is often used as a convenient excuse for obstructionism that is in the sole interest of officials who want to protect their personal interests. Take, for example, the neutral license plates. When we negotiated them in 1997, RS leaders such as Krajisnik predicted violence and demonstrations by "the people." As it turned out, "the people" was eagerly

queuing up for the new plates once they were launched.

Secondly, I demand leadership. Leaders must be able to convince their constituency of what is right, they must campaign for the right things, and, above all, they must do them. The Tribunal, for example, was for years demonised in the RS and portrayed as a “political” instrument. This year, the government and assembly at last came around to accepting it. There was a campaign, there were public hearings, and in the end the Law on Co-operation with the Tribunal was passed. And the RS did not go under in public unrest and demonstrations. (Now, the next step is of course the concrete implementation of this Law – arrests, transferrals to The Hague, co-operation with all other requests from the Tribunal.)

I demand to see such leadership on all the pending issues: the laws at the state level, the fight against corruption, economic reform measures, return and property law implementation, Human Rights Chamber decisions. Only if all these issues are resolved will the RS leadership be able to claim that they care about their citizens and have done everything to improve their situation.

My visit to Banja Luka was a warning shot. Though sanctions would be a last resort, the members of the Steering Board of the Peace Implementation Council – the United States, France, Germany, Great Britain, Russia, Italy, Japan, Canada, Turkey, the European Union, the European Commission – are increasingly inclined to take a more robust approach towards the RS. The ball is now in the court of the RS leaders and particularly the SDS.